

IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1858.—Ordered to be printed.

Mr. SLIDELL, from the Committee on Foreign Relations, made the following

REPORT.

[To accompany Bill S. 270.]

The Committee on Foreign Relations, to whom was referred the memorial of T. Hart Hyatt, United States consul at Amoy, in China, praying compensation for judicial services performed under the act of Congress of August 11, 1848, have had the same under consideration and now report:

It appears from the memorial that Mr. Hyatt was appointed consul of the United States for the port of Amoy, in China, in June, 1853, and still holds that office. That by the act of Congress of August 11, 1848, certain judicial duties were devolved upon him, for which a compensation of one thousand dollars per annum was allowed by said act in addition to his consular fees. That said compensation was regularly paid to him up to the 1st day of July, 1855, when the act of March 1, 1855, remodelling the diplomatic and consular systems of the United States went into operation. That since that period, for want of an appropriation for that purpose, said compensation has been withheld, and still remains due to him for the interval between the 1st July, 1855, and the 1st January, 1857, when the act of August 18, 1856, entitled "An act to regulate the diplomatic and consular systems of the United States" went into operation.

Your memorialist claims that the compensation for judicial services under the act of August 11, 1848, was not affected by the act of March, 1, 1855. That the 4th section of that act, in changing the mode of compensation from the allowance of official fees to a fixed salary, related exclusively to consular duties and did not embrace those of a judicial character. That the act of August 18, 1856, however, did embrace those duties and repealed the previous mode of compensation, and hence he only claims it up to the 1st January, 1857, when that act went into operation.

It further appears, that the memorialist is subjected to a loss of forty per centum for premium on exchange between Amoy and the United States, and on that score he claims one thousand dollars in addition, making in all twenty-five hundred dollars.

The statements of the memorial are fully supported by the Secretary of State, in a letter under date of April 7, 1858, in which the Secretary adds: "Mr. Hyatt having rendered the services for which he claims compensation, presented on the 1st of January, 1857, an account for \$2,500, dated at Amoy, for compensation for judicial services for one and a half years, namely, \$1,500; and for loss in exchange thereon, amounting to \$1,000. A copy of Mr. Hyatt's despatch, together with the account and voucher showing the rate of exchange, drawn in conformity with the consular regulations upon the subject, is herewith communicated.

"The views entertained by Mr. Hyatt in regard to the question of the repeal of the provisions of the act of August 11, 1848, granting compensation for judicial services, are in conformity with those entertained by this department under the opinion of the Attorney General," (dated June 2, 1855,) "a copy of which is also enclosed.—(See pages 18 and 19.)"

Concurring in opinion with the Secretary of State and the late Attorney General as to the proper construction of the act of March 1, 1855, the committee believe the memorialist entitled to the relief asked for so far as the compensation for judicial services are concerned, reserving the question of the propriety of granting the allowance claimed for losses on exchange for future consideration whenever that matter may be again brought before them. They report a bill in accordance with these views and recommend its passage.